

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

JAY FRANCO & SONS, Inc.,	)	
	)	
Plaintiff,	)	Civil Action No. 1:08-cv-01313
	)	Consolidated with No. 1:08-cv-0058
v.	)	
	)	Judge Dow
CLEMENS FRANEK,	)	
	)	<i>JURY DEMAND</i>
Defendant.	)	

**MOTION FOR LEAVE TO FILE ANSWER**

Now comes the Defendant, Clemens Franek, through his attorneys in this matter and request that this Court enter an order granting Franek leave to file his Answer and Counterclaims, instanter. In support, Defendant states:

The above case was consolidated with 08-cv-0058 pursuant to an agreement between the parties. The parties also agreed that the Defendant would answer the Complaint within 10 days of the entry of the order in this case consolidating the matter. The order consolidating this matter was entered on April 18, 2008.

Defendant requests that this Court grant it leave to file its Answer and Counterclaims, a copy of which is attached hereto. Defendant believes that it had an agreement with Plaintiff for additional time to file the Answer and Counterclaims but in an overabundance of caution Defendant also requests an order allowing the filing of that pleading.

The request for leave to file the Answer and Counterclaims is based on the fact that Defendant's attorney was called out of town on April 27, 2008 and did not return to his office until May 2, 2008. Defendant's attorney filed the Motion for Leave to File Answer and Counterclaims on that same day, May 2, 2008.

WHEREFORE, the Defendant, Clemens Franek, requests that this Court enter an order granting a leave to file his answer to the complaint and counterclaims instanter.

/s/ Mark D. Roth  
Attorney for Defendant / Counter-Plaintiff

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